

**PART 14—SHIPMENT AND DISCHARGE OF SEAMEN**

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AUTHORITY: 5 U.S.C. 552; 46 U.S.C. 2103, 2113, 3306, 8105, 10104; 49 CFR 1.46.

SOURCE: 44 FR 70155, Dec. 6, 1979, unless otherwise noted.

**§ 14.01-1 Purpose of part.**

This part prescribes rules for the shipment and discharge of seamen on certain United States vessels.

**§ 14.01-3 Coast Guard address.**

Each form or report required in this part to be submitted to the Commandant shall be forwarded to: Director, National Maritime Center (NMC).

[44 FR 70155, Dec. 6, 1979, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995]

**§ 14.01-5 Foreign or intercoastal voyages upon which shipping articles are required.**

(a) Prior to proceeding on any foreign or intercoastal voyage listed in this section, or the engagement of replacement or additional seamen for such a voyage, the master shall make an agreement (shipping articles) in writing with each seaman. The articles shall be signed by the master and each seaman so engaged.

(b) Except as provided in §14.01-7, shipping articles are required for the following voyages and vessels:

(1) A voyage by a United States vessel from a port in the United States to any foreign port other than ports in the following areas:

- (i) British North American possessions.
- (ii) West India Islands.
- (iii) Republic of Mexico.

(2) A voyage by a United States vessel of 75 gross tons or upward between a United States port on the Atlantic and a United States port on the Pacific, or vice versa.

NOTE: The provisions of R.S. 4520 (46 U.S.C. 574), require the master of any United States vessel of 50 gross tons or upward, bound from a port in one state to a port in any other than an adjoining state, to make an agreement (shipping articles) with every seaman engaged.

**§ 14.01-7 Voyages upon which shipping articles are not required.**

(a) Shipping articles are not required but may be utilized for the following classes of vessels:

- (1) Vessels engaged exclusively in fishing or whaling.
- (2) Yachts.

(3) Vessels upon which the seamen are by custom or agreement entitled to participate in the profits or results of a cruise or voyage.

### Subpart 14.05—Shipping Articles

#### § 14.05-1 Form of shipping articles.

(a) The form and content of shipping articles for foreign or intercoastal voyages are generally controlled by R.S. 4511 (46 U.S.C. 564), R.S. 4512 (46 U.S.C. 565), and R.S. 4612 (46 U.S.C. 713, Tables A and B).

(b) The Coast Guard Officer in Charge, Marine Inspection will, as a matter of convenience, supply form CG-705A (shipping articles) upon request. Form CG-705A is considered to comply with the requirements of the statutes noted in paragraph (a) of this section. Any other form of shipping articles complying with the requirements of the statutes noted in paragraph (a) may be utilized.

NOTE: Detailed instructions for the completion of form CG-705A are contained in Navigation and Vessel Inspection Circular #8-79, which may be obtained at any Coast Guard Marine Inspection or Safety Office.

#### § 14.05-2 Posting copy of shipping articles.

(a) At the commencement of a foreign or intercoastal voyage the master shall ensure a legible copy of the shipping articles, omitting signatures (Forecastle Card), is posted at a place accessible to the crew. Form CG-704 or equivalent may be utilized for this purpose.

#### § 14.05-3 Preparation of shipping articles.

(a) Shipping articles for foreign or intercoastal voyages shall be made out in duplicate. The original shall be retained by the master, who shall enter therein any changes made in the crew during the voyage.

#### § 14.05-5 Production of documents by seamen signing shipping articles.

(a) At the time of engagement, each seaman shall present to the master any certificate or license as may be required by law for the service to be performed.

#### § 14.05-7 Paying off seamen during foreign or intercoastal voyage.

(a) In case of the paying off of any members of the crew during a foreign or intercoastal voyage, each seaman shall sign the release on the original of the shipping articles. In a foreign port, where a United States consul is available, the release shall be executed by the master and seaman before the consul or his representative. In a foreign port where a United States consul is not available, the release need be executed only by the master and seaman.

#### § 14.05-10 Reporting shipment and discharge of seamen.

(a) The master of each merchant vessel of one hundred gross tons or upward, shall report the employment, discharge or termination of the service of every seaman in the manner provided in this section. Reports need not be submitted by masters' of the following vessels:

(1) Vessels employed exclusively in trade on the navigable rivers of the United States.

(2) Fishing and whaling vessels.

(3) Yachts.

(4) Ferries and tugs used in ferry operations if such ferries and tugs are employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and are not engaged on international voyages.

(5) Unrigged vessels other than sea-going barges.

(b) When a vessel is engaged on a foreign or intercoastal voyage, the master shall submit a Form CG-735-T to the Commandant prior to sailing and upon completion of the voyage. At the option of the master, a copy of the vessel's shipping articles may be submitted to the Commandant in lieu of Form CG-735-T. When utilized, Form CG-735-T shall contain the names, as well as the other information required by the form, of the master and each member of the crew shipped or discharged. During the term of the voyage the master shall submit supplementary reports on Form CG-735-T listing the names, as well as the other information required by the form, of each seaman engaged, discharged, or whose services have been otherwise terminated.

(c) When a vessel is engaged on a coastwise voyage not specifically covered by paragraph (d) or (e) of this section, the master shall, prior to sailing, submit to the Commandant a Form CG-735-T listing the names, as well as other information required by the form, with the exception of the date and place of discharge, of the master and of each member of the crew shipped. Thereafter, at the end of each calendar month, the master shall submit a supplementary report on Form CG-735-T listing the name, as well as the other information required by the form, of each seaman engaged, discharged, or whose services were otherwise terminated since the previous submission of the form. When the voyage is completed the master shall submit a final report to the Commandant on Form CG-735-T.

(d) When a vessel is employed exclusively on bays or sounds, the master shall submit a Form CG-735-T, on the last day of each calendar month, listing the name, as well as the other information required by the form, of each seaman employed, discharged, or whose services were otherwise terminated during the month.

(e) When a vessel is employed exclusively on the Great Lakes, the master shall submit a Form CG-735-T at the commencement of the season, or when the vessel is put into service, listing the names, as well as the other information required by the form, with the exception of date and place of discharge, of each member of the crew. Thereafter, at the end of each calendar month, the master shall submit a supplementary report on Form CG-735-T listing the names, as well as the other information required by the form, of each seaman whose employment was terminated during the month and who was not reengaged on the vessel's next trip, and each seaman engaged during the month who was not also employed on the vessel in the same capacity on her last trip preceding the engagement. At the close of the season, or when the vessel is withdrawn from service, the master shall submit a final report to the Commandant on Form CG-735-T containing the information required by the form, concerning each seaman who

has not been previously reported as discharged.

(f) Every discharge entry made on a Form CG-735-T shall agree exactly with the corresponding entry made in a Continuous Discharge Book (Form CG-719), the Record of Entry in Continuous Discharge Book (Form CG-718E), or on the certificate of Discharge to Merchant Seaman (Form CG-718A) issued to a seaman. Each record of entry or copy of the discharge shall be attached to Form CG-735-T on which discharges are reported.

(g) Any master who fails to comply with the requirements of this section is subject to a penalty of \$500.

**§ 14.05-15 Completing entries in shipping articles at completion of voyage.**

(a) At the completion of a foreign or intercoastal voyage, when the crew is paid off, the release on the shipping articles shall be signed by all members of the crew.

(b) All entries made in continuous discharge books during the voyage, and all entries made in certificates of discharge issued during the voyage to seamen holding merchant mariner's documents shall be duplicated on the shipping articles.

**Subpart 14.10—Discharging Seamen**

**§ 14.10-1 Entries in continuous discharge book.**

(a) Upon the discharge of any seaman who holds a Continuous Discharge Book (Form CG-719), and the payment of wages, the master shall complete the required entries in the book.

(b) The master making the entries in the Continuous Discharge Book shall also prepare a Record of Entry in Continuous Discharge Book (Form CG-718E).

(c) The completed Form CG-718E shall be signed by the seaman in whose Continuous Discharge Book the original entry was made and by the master.

(d) All entries in a Continuous Discharge Book (Form CG-719) shall be made in black ink. All entries on Form CG-718E shall be made with a typewriter or an indelible pencil.

(e) The original copy of completed Form CG-718E shall be submitted to the Commandant. The duplicate copy of completed Form CG-718E may be retained by the master issuing such record of entry.

**§ 14.10-5 Entries in certificate of discharge to merchant seaman.**

(a) Upon the discharge of any seaman who holds a merchant mariner's document issued by the Coast Guard, and payment of wages, the master shall issue to the seaman a Certificate of Discharge to Merchant Seaman (Form CG-718A).

(b) The completed Form CG-718A shall be signed by the seaman to who it is issued and by the master of the vessel. The signatures shall be made with an indelible pencil before the issuance of the original copy to the seaman.

(c) All entries on Certificates of Discharge to Merchant Seaman (Form CG-718A) shall be made with a typewriter or an indelible pencil.

(d) The original completed Form CG-718A shall be issued to the seaman who signs the certificate. The yellow copy of the completed Form CG-718A may be retained by the master issuing such discharge. The white copy of completed Form CG-718A shall be submitted to the Commandant.

**§ 14.10-7 Issuance of certificate of character upon discharge of seaman.**

(a) Upon the discharge of each seaman from a vessel engaged on a voyage listed in § 14.01-5(b), the master shall make and sign in the official logbook, and on the articles should such an entry be called for, a report of the conduct, character and qualifications of the person discharged; or may state as the report that he declines to give any opinion.

**§ 14.10-10 Discharging a seaman in a foreign port.**

(a) Upon the discharge of any seaman in a foreign port the master shall make the required entries on the ship's articles and Form CG-718A or Form CG-718E, as appropriate. All entries shall be attested to by a U.S. Consular Officer in ports where such an officer is available.

**§ 14.10-15 Certificate of discharge issued pending issuance of duplicate continuous discharge book.**

(a) When a seaman's continuous discharge book has been lost, pending the issuance of a duplicate, the master shall furnish the seaman with a Certificate of Discharge to Merchant Seaman (Form CG-718A) at the completion of a voyage, and this fact shall be noted on the articles. The white copy of the certificate of discharge shall be forwarded to the Commandant.

**§ 14.10-20 Discharge of seamen in special cases.**

(a) Section 16 of the Act of December 21, 1898 (30 Stat. 759), amended in part R.S. 4581 (46 U.S.C. 683), relating to the discharge of seamen by consuls, to read:

If a seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

(b) Section 19 of the Seamen's Act of March 4, 1915 (38 Stat. 1185; 46 U.S.C. 683), adds to these words the following:

*Provided:* That at the discretion of the Commandant of the Coast Guard and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before a United States consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph.

(c) The personal appearance of the master of the vessel before a United States consul or consular agent to consent to the discharge of a seaman who has been incapacitated by injury or illness may be waived by the consul under the following conditions:

(1) When the condition of the injured or ill seaman is such that prompt medical attention is necessary and cannot be furnished on shipboard, and

(2) When the master cannot proceed with the seaman to the consul without risk to the crew, the vessel, or the cargo.

(d) When the master cannot appear before the consul in person the master shall address to the consul in writing a full statement of the facts which render necessary the discharge of the seaman, together with a statement of the reasons why the master is unable to appear before the consul. The statement should cover the usual particulars set forth in a discharge and should be accompanied with an account of the wages due with the necessary funds to meet such wages, or (if the cash is not available) with an order to the owner for the amount due.

(e) If the consul shall deem the statement satisfactory, the seaman may be discharged as directed in R.S. 4581, as amended by section 16 of the Act of December 21, 1898, and section 19 of the Act of March 4, 1915, as if the master were present, attaching to the discharge and to the consul's relief account a copy of the statement submitted by the master.

(f) If the consul shall deem the statement unsatisfactory, and the condition of the seaman permits, the consul may decline to grant the discharge and direct that the seaman be returned to the vessel at its expense.

(g) When the condition of the injured or ill seaman is such that the seaman is incapable of completing the release for discharge at the time of removal from the vessel, the master shall complete the master's portion of the Mutual Release (Form CG-713A) and place the form with the seaman.

(1) If the seaman possesses a continuous discharge book, the master shall make the proper entries in the book and on the ship's articles and complete Form CG-718E. Form CG-718E shall be retained by the master until the termination of the voyage, at which time it shall be delivered to the vessel's owner or agent along with the shipping articles. Upon completion and presentation of the Mutual Release (Form CG-713A) to the vessel's owner or agent, the seaman shall receive all wages due. Form CG-718E shall then be signed by the seaman and the original copy forwarded to the Commandant. At this time a notation of the completion of the release should be made on the shipping articles and Form CG-713A attached thereto.

(2) If the seaman possesses a merchant mariner's document, the master shall complete a certificate of discharge on Form CG-718A, and make the proper entries on the ship's articles. Form CG-718A shall be retained by the master until the termination of the voyage, at which time it shall be delivered to the vessel's owner or agent along with the shipping articles. Upon completion and presentation of the Mutual Release (Form CG-713A) to the vessel's owner or agent, the seaman shall receive all wages due. Form CG-718A shall then be signed by the seaman and the original given to him. The white copy of Form CG-718A shall be forwarded to the Commandant. At this time a notation of the completion of the release should be made on the shipping articles and Form CG-713A attached thereto.

#### **Subpart 14.15—Disclosure of Information Regarding Shipments and Discharges of Merchant Mariners**

##### **§ 14.15-1 Availability of information to the public.**

The Coast Guard makes information available to the public in accordance with 49 CFR part 7.

#### **Subpart 14.20—Special Provisions for Oceanographic Research Vessels**

SOURCE: CGD 77-081, 46 FR 56203, Nov. 16, 1981, unless otherwise noted.

##### **§ 14.20-1 General.**

Unless otherwise provided in this subpart, the provisions of title 53 of the Revised Statutes governing the employment of merchant seamen, and any acts amending or supplementing it, remain applicable to oceanographic research vessels.

##### **§ 14.20-5 Procedures.**

(a) Oceanographic research vessels, designated in accordance with § 3.10-1 of this title may be exempted from certain provisions of title 53 of the Revised Statutes governing the employment of merchant seamen upon written request by the master, owner or agent

of the vessel to the Officer in Charge, Marine Inspection, in whose zone the vessel is located.

(b) The request should contain:

(1) A list of the exemptions set forth in § 14.20-10(b) which the applicant wishes to invoke.

(2) An outline of business practices relating to the shipment, discharge, payment, and outfitting of personnel that would justify the granting of those exemptions.

(c) The Officer in Charge, Marine Inspection, shall forward the exemption request, along with a recommendation, to the Commandant, who will determine whether it shall be granted. Any exemptions granted shall be indicated by letter issued by the Officer in Charge, Marine Inspection. The letter shall be maintained on board the vessel.

(d) In the event of a change in operating conditions, the owner, master, or agent of the vessel shall advise the local Officer in Charge, Marine Inspection. The Officer in Charge, Marine Inspection, shall forward pertinent information concerning the operational changes, along with a recommendation, to the Commandant, who shall determine if the vessel is still eligible to retain its exemptions.

**§ 14.20-10 Exemptions.**

(a) Certain requirements contained in title 53 of the Revised Statutes are not relevant to the employment of seamen on oceanographic research vessels. These requirements are those concerned with the shipment and discharge of seamen, pay and allotment, and the furnishing of adequate clothing. Section 445 of title 46 U.S.C., provides the authority for exempting oceanographic research vessels from certain provisions of title 53, upon such terms and conditions as may be deemed necessary. The exemptions listed in this subpart are subject to the terms and conditions that are specified below:

(1) The use of any exemption does not in any manner relieve the owner, charterer or master of other statutory responsibilities for the protection of seamen.

(2) The master agrees to receive, consider, and accord appropriate action to the legitimate complaint of any sea-

man which is presented in a reasonable manner and at a reasonable time.

(3) If an exemption is contingent upon the use of alternate procedures, the crew shall be informed of the alternate procedures.

(4) If an exemption is contingent upon the use of alternate procedures, it may be terminated if the alternate procedures are not followed.

(b) Exemptions from the following provisions of title 53 may be made for oceanographic research vessels that have marine crews employed by a firm, association, corporation, educational or research institution, or governmental body or agency, which operates such vessels as a normal part of its educational or oceanographic activities. Employment on these vessels must be of a permanent nature, rather than for a particular voyage or voyages, and must be subject to the same practices, including method of payment, tenure and employee benefits, as generally applied to other employees of the employer.

(1) 46 U.S.C. 564 Shipping Articles.

(2) 46 U.S.C. 565 Rules for Shipping Articles.

(3) 46 U.S.C. 570 Shipping Seamen in Foreign Ports.

(4) 46 U.S.C. 574 Shipping Articles for Vessels in the Coasting Trade.

(5) 46 U.S.C. 575 Penalty for Shipping without Articles.

(6) 46 U.S.C. 576 Penalty for Omitting to Begin Voyage.

(7) 46 U.S.C. 577 Posting Copies of Agreement.

(8) 46 U.S.C. 596 Time for Payment. (Provided the owner or charterer of the vessel, in the use of a pay system, follows a normal and generally accepted business or governmental practice.)

(9) 46 U.S.C. 597 Payment at Ports.

(10) 46 U.S.C. 599 Advance and allotments.

(11) 46 U.S.C. 641 Mode.

(12) 46 U.S.C. 642 Accounting as to wages.

(13) 46 U.S.C. 643(d) Entry in continuous discharge book and certificate of identification—Entries.

(14) 46 U.S.C. 643(e) Certificate of Discharge; issuance; form and contents. (Provided that upon request, a seaman shall be furnished a certified record of

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his or her sea service by the owner, charterer or master of the vessel.)

(15) 46 U.S.C. 643(1) Report by master of employment or discharge of seaman not shipped or discharged before Coast Guard official. (Provided the master submits a report under § 14.20-15.)

(16) 46 U.S.C. 644 Rules for settlement.

(17) 46 U.S.C. 669 Clothing and heat. (May be exempted with respect to clothing. However, the master of the vessel shall ensure that each seaman is adequately outfitted for the voyage, particularly those seamen whose duties require them to be exposed to inclement weather.)

(18) 46 U.S.C. 670 Slop chests. (Provided the master of the vessel determines that each seaman is adequately outfitted and has sufficient personal supplies for the voyage.)

(19) 46 U.S.C. 682 Wages on discharge. (Provided that the owner, charterer or master of the vessel, in the use of a pay system, follows a normal and generally accepted business or governmental practice.)

**§ 14.20-15 Reports required.**

(a) The master of every oceanographic research vessel of 100 gross tons or more required to execute a shipping agreement shall submit a completed "Master's Report of Seamen Shipped or Discharged" (form CG-735T) reporting the employment, discharge, or termination of services of every seaman serving in the crew at least every six months. These reports will provide for orderly central record keeping by the Coast Guard of sea service and other matters for seamen attached to oceanographic research vessels.

(b) At the option of the master, a copy of the vessel's shipping articles, if utilized, may be submitted to the Commandant in lieu of Form CG-735T.

(c) Every discharge entry made on a Form CG-735T or shipping articles must agree exactly with the corresponding entry made in a continuous discharge book or on a certificate of discharge, or other proof of sea service furnished a seaman.

(d) Copies of records or reports that are required to be furnished to the Coast Guard shall be mailed or deliv-

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ered to the Director, National Maritime Center (NMC).

[44 FR 70155, Dec. 6, 1979, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995]

**PART 15—MANNING REQUIREMENTS**

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